

PLANNING COMMISSION AGENDA
CITY OF NEWPORT BEACH
COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
Thursday, February 23, 2012
STUDY SESSION – 5:00 p.m.

MICHAEL TOERGE
Chair

BRADLEY HILLGREN
Vice Chair

FRED AMERI
Secretary

KORY KRAMER

JAY MYERS

LARRY TUCKER

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

PATRICK ALFORD, Planning Manager

**BRENDA WISNESKI, Deputy Community
Development Director**

LEONIE MULVIHILL, Assistant City Attorney TONY BRINE, City Traffic Engineer

NOTICE TO THE PUBLIC

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

NEWPORT BEACH PLANNING COMMISSION AGENDA
Council Chambers – 3300 Newport Boulevard
Thursday, February 23, 2012
STUDY SESSION MEETING
5:00 p.m.

A. ROLL CALL

B. CURRENT BUSINESS

ITEM NO. 1 Newport Banning Ranch: Land Use, Development Regulations, and Architectural Guidelines

SUMMARY: This is the third in a series of study sessions on the proposed Newport Banning Ranch project. The purpose of the study sessions is to provide the Planning Commission and the public the opportunity to review and discuss details of the proposed project prior to public hearings. Planning Commission public hearings on the project will be conducted following the study sessions.

C. PUBLIC COMMENTS

Public comments are invited on items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.

D. ADJOURNMENT



CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
3300 NEWPORT BOULEVARD, BLDG. C
NEWPORT BEACH, CA 92658-8915
(949) 644- 3200

Memorandum

To: Planning Commission
From: Patrick J. Alford, Planning Manager
Date: February 23, 2012
Re: Study Session on Newport Banning Ranch: Land Uses, Development Regulations, and Architectural Guidelines

This is the third in a series of study sessions on the proposed Newport Banning Ranch project. The purpose of the study sessions is to provide the Planning Commission and the public the opportunity to review and discuss details of the proposed project prior to public hearings. Planning Commission public hearings on the project will be conducted following the study sessions.

This study session will focus on the proposed land uses, property development regulations, and architectural guidelines. The primary documents for this discussion will be the proposed Newport Banning Ranch Planned Community Development Plan (NBR-PC) and the proposed Newport Banning Ranch Master Development Plan (NBR-MDP). The NBR-PC would establish the allowable land uses, general development regulations, and implementation and administrative procedures. The NBR-MDP would provide detailed design criteria for each land use component to guide the review of subsequent development approvals. These include architectural guidelines and as well as plans for landscaping, landform alteration, trails, roadways and infrastructure, and water management.

The study sessions are for discussion purposes only and no action will be taken by the Planning Commission. Interested parties are encouraged to limit their comments and questions to the issues that are the subject of each study session.

Public notice of the study sessions was provided by the posting of the agenda at City Hall and on the City's website. In addition, notice was distributed through the City's Select Alert system and through a press release.

From: [Terry Welsh](#)
To: [Burns, Marlene](#); [Michael Toerge](#);
Subject: Letter to Commissioner Toerge
Date: Wednesday, February 15, 2012 12:05:21 AM

Commissioner Toerge:

Thank you for holding the Banning Ranch study sessions. These study sessions are necessary to allow the planning commissioners to conduct a critical analysis of the proposed Banning Ranch development---a development that plans for almost 30% more residential units than all of Newport Coast (based on 2000 data) on a parcel about 1/10th of the size of Newport Coast---not to mention the wealth of biological resources on Banning Ranch that would be affected.

After having attended the first two sessions I can make the following observations and recommendations.

1. While NBR LLC has every right to promote their proposal, the study sessions might not be the appropriate place for them and their paid consultants to have an organized block of time to "sell" their proposal to the commissioners. NBR and their consultants speak in glowing terms about their proposed project, gushing over features which they think will win favor with the Coastal Commission, and simply ignoring any negative impact that their project will have. Again, I support their right to promote their investment, but I question whether the commissioners' limited time is best spent listening to these "sales pitches" by consultants who are on the payroll of NBR. What is most surprising is that NBR is being allowed an organized block of time to do this, while the public, who have been following this issue for years and have much, much, much to say, are being limited to the time left over when NBR is finished speaking, and then only allowed individual three-minute speaking slots.

2. Rather, the study sessions should be devoted to understanding the impacts of the proposed Banning Ranch development and how the impacts will affect the planning process. Again, the public, including individual citizens as well as community organizations such as Banning Ranch Conservancy, Sierra Club Banning Ranch Park and Preserve Task Force, SaveBanningRanch.org, Banning Ranch Defenders, Concerned Citizens of Newport Beach, and Concerned Citizens of Newport Crest, have been following this issue, in some cases, for over a decade, including conducting research, gathering data and analyzing the proposed project. This is the kind of information that needs to be at the center of any critical analysis for planning purposes. This is information that is glaringly missing from the draft EIR. NBR and their consultants surely need to be present at these study sessions,

but their purpose should be to provide critical facts and answers, rather than use up the sessions with large blocks of time devoted to "warm and fuzzy" portrayals of the proposed project.

3. It is obvious that more study sessions need to be held. There are 18 sections of the draft EIR that should be studied, each with its own session, and many of these, such as Biological Resources, Circulation, and others, clearly need more than one study session. For example, I spoke briefly (for 3 minutes) on vernal pools/wetlands on 1/19. I was barely able to scratch the surface. **I could easily have spent the entire 90 minutes on this important subject, which will have profound effects on the tract plan for the project.** The data in the draft EIR is extremely limited and fails to acknowledge most of the vernal pool/wetlands on the Banning Ranch mesa. Vernal pools/wetlands and their inhabitants are only one small part of the overall ecosystem. Another extremely important component is the coastal sage scrub and its bird population. Again, the data in the draft EIR is far from complete. Before the Newport Beach Planning Commission passes judgment, the Commission is obligated to conduct a **critical analysis of the project in the form of study sessions in which all the important data is discussed.**

Even if these extra study sessions extend the review process for another several months, it is time well-spent.

4. Community organizations should be given block time. The Banning Ranch Conservancy asked for such a block for the 1/19 session, but was refused. When we asked whether individual citizens could cede their public comment time to us, again we were refused. On 1/19, while many excellent comments were delivered by the public, they were not presented in an organized manner. By gathering data from the public in short three minute spots, the Commission is denying itself the knowledge and understanding it seeks. Additionally, the study sessions should be held in the evening, rather than 4:30. I work in Anaheim and had to make arrangements at my job to leave by 3:45 to be at the Council Chambers by 4:30. I suspect many others found the 4:30 start time impossible to make.

5. While the public has raised excellent points and has provided data on the proposed Banning Ranch development in the 60-day draft EIR comment period, there is reason for concern that these points and data will not be reviewed by the City Council. I was told during the Sunset Ridge Park EIR approval process by one councilperson that they had not reviewed the entire EIR, nor the public's comments, nor the responses by the consulting firm, but were rather just planning on relying on City's staff's recommendation. At over 7000 pages, I suspect the same will be true for the Banning Ranch EIR. Another reason for concern is that the EIR consulting firm is the same as that used for Sunset Ridge Park (Bonterra) and if you did review Bonterra's responses to the public's comments, you would find the responses were designed to defend the wording of the original draft EIR, rather than incorporate the comments and appropriately re-write the draft EIR.

One important difference with the Banning Ranch proposed project is that the Planning Commission is taking an active role in the planning of this project. It is essential that the Planning Commission sees that a much more complete and vetted analysis process occurs with the proposed Banning Ranch development than occurred with the Sunset Ridge Park plan.

6. Finally, the proposed project is unparalleled in Newport Beach history for many reasons and will require the intense focus of the Planning Commission. Rather unique is the fact that the General Plan clearly makes a priority of preserving all of the Banning Ranch property as open space. As stated in the General Plan.....

" After receiving community input, GPAC (General Plan Advisory Committee) developed a "Vision Statement"—a description of the City that residents want Newport Beach to be now and in 2025—to serve as a blueprint for this General Plan Update. GPAC, with the assistance of planning professionals and using the Vision Statement as a guide, then developed this General Plan to ensure that the City achieves the vision by, among many other things, doing the following:

.....

■ Supporting efforts to acquire Banning Ranch for permanent open space

Last Thursday, 2/9, you raised concerns that speaker Steve Ray was spending too much time on the General Plan priority that calls for the preservation of all of Banning Ranch as open space. You said, to the effect of, "These study sessions are supposed to be covering the development proposal.....not the General Plan priority." I am in agreement that the study sessions should focus on the development proposal. There are simply too many issues with the development proposal and any diversion into other matters draws the commissioner's attention from the task at hand. However, it is clear from some of the questions that commissioners asked of Steve Ray that there is much to be learned on the progress made by the Banning Ranch Conservancy and other groups towards the General Plan priority. One commissioner said something to the effect of, "It has been six years and there has been no progress towards the General Plan priority." I can personally attest, that after having chaired something like 110 meetings on Banning Ranch since 2006, there has been tremendous progress made towards the General Plan priority. I am convinced that what is clear is that there is little knowledge in City Hall about our efforts.....efforts that I am convinced can preserve ALL of Banning Ranch as open space in a better, less expensive, and more timely manner than NBR's proposal. In fact, what has prevented even further progress has been the unwillingness of NBR to even allow a non-binding appraisal of Banning Ranch for Measure M purposes (such a non-binding appraisal of Banning Ranch should be pre-requisite before the City will consider further processing of the NBR proposed development).

Before passing judgment on the proposed Banning Ranch project, the Commission needs to understand and evaluate where things stand with the General Plan priority. So in keeping with your philosophy that the study sessions for the proposed Banning Ranch project should be kept separate from any discussion of the General Plan priority, I think it is appropriate that a separate series of study sessions devoted entirely towards the General Plan priority be held. One session could cover costs estimates, one could cover funding sources, one could cover clean up, and one could cover the future Banning Ranch Park and Preserve visioning process. This series could run concurrently with, or after the completion of, the current study sessions focusing on the proposed NBR development.

In conclusion, the community supports the study sessions. The study sessions, if held in a thoughtful way, can be very helpful.

Thank you for your consideration. I hope these observations and recommendations will serve the Commission well. Please share this with the other commissioners and planning staff.

Terry Welsh
President, Banning Ranch Conservancy

Correspondence

Item 01b

Newport Banning Ranch Study Session

PA2008-114

RECEIVED BY
COMMUNITY

FEB 15 2012

DEVELOPMENT
CITY OF NEWPORT BEACH

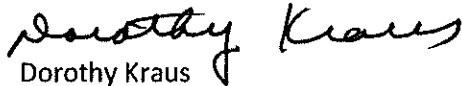
February 11, 2012

Hi Patrick,

I should have cc'd you on the enclosed. Can you please ensure these comments are part of the Newport Banning Ranch administrative record?

Also, I wanted to suggest that at the beginning of the meeting on 2/23, ^{that} you or the Planning Commissioner Chairman get a rough number of how many public comments will be made. This might help with overall 'meeting management'. So, if it looks like there will be a lot of public comments then perhaps ask the Applicant if they expect to use the entire hour for their overview and presentation. If they plan to use the whole hour, then you or the Chairman set expectations with the public at the onset of the meeting that each comment must be brief and to the point.

Thanks very much, Patrick.



Dorothy Kraus
10 Wild Goose Court
Newport Beach, CA
medjkraus@yahoo.com

February 10, 2012

Subject: Newport Banning Ranch Study Session, February 9, 2012

Dear Chairman Toerge,

Please include these comments in the City's administrative record for the Newport Banning Ranch project. Please see below for comments I prepared for last night's study session but was unable to deliver due to meeting time running out.

'My name is Dorothy Kraus, and I live in Newport Beach. I appreciate the opportunity to make a brief comment today.

The Newport Banning Ranch dEIR states that their park requirement is 15 acres based on the City's subdivision code that there be '5 acres of parkland for every 1,000 residents'. The proposed 16 acre North Community Sports Park includes:

- 6 lighted tennis courts
- 3 lighted soccer fields
- 1 lighted basketball court
- 1 baseball field
- 1 softball field
- Skateboard park
- 2 tot lots
- 1 fitness par course
- Public restrooms

And, 174 off-street public parking at two locations, plus the possibility of another 20 parking spaces in a third location.

NBR dEIR Exhibit 4.8-1, North Community Park is enclosed for reference.

This proposed Sports Complex is immense. **Are surrounding communities such as Newport Crest, Newport Knolls, One Nautical Mile, and Brook View Newport expected to endure the noise, lights, traffic, pollution, and safety risks associated with this Sports Complex idea?** (Highlighted for emphasis)

In addition, the current park location doesn't work because it has been documented as a wintering site for the Burrowing Owl.

I'd also like to make mention of the Coastline Community College project that is under construction at 1515 Monrovia. This is a 3-story 55,000 square foot building with a 300 space parking lot directly adjacent to the structure. This facility butts up to the proposed Sports Complex.

Please refer to the enclosed Newport Banning Ranch dEIR exhibit 4.8.10, Master Trails and Coastal Access plan, and envision the college right under the words '16th Street Parking Spaces', which is just slightly north of 15th street on Monrovia.

Please also refer to the enclosed picture which was taken from Newport Crest of the construction going on at the college. Banning Ranch is in the foreground.

The Newport Banning Ranch dEIR does not address the impacts that will result from this enormous Sports Complex and a 55,000 square foot facility existing side-by-side in such close proximity to residential communities. The degradation in the quality of life for people living in these communities will be significant.

Consideration for moving this Sports Complex somewhere else needs to take place such as relocating it north of 17th street.'

I'd also like to take this opportunity to appreciate your role as a Planning Commissioner. It must be a challenging job to represent such a beautiful city like Newport Beach with so many passionate constituents who desire to keep it pristine and beautiful.

I must tell you that I was disappointed in the Study Session meeting last night. I felt that it was unfair that Mr. Steve Ray was put on the spot and blamed for taking up the public comment time when 3 times he tried to leave the podium. Mr. Tucker initiated the discussion on the Banning Ranch Conservancy's plan to acquire the property which unfortunately went on too long. This unfortunate event is a strong indication that the time of the day and duration of these study session meetings, and the inability for public comments to be made in excess of a few minutes is not working nor fair.

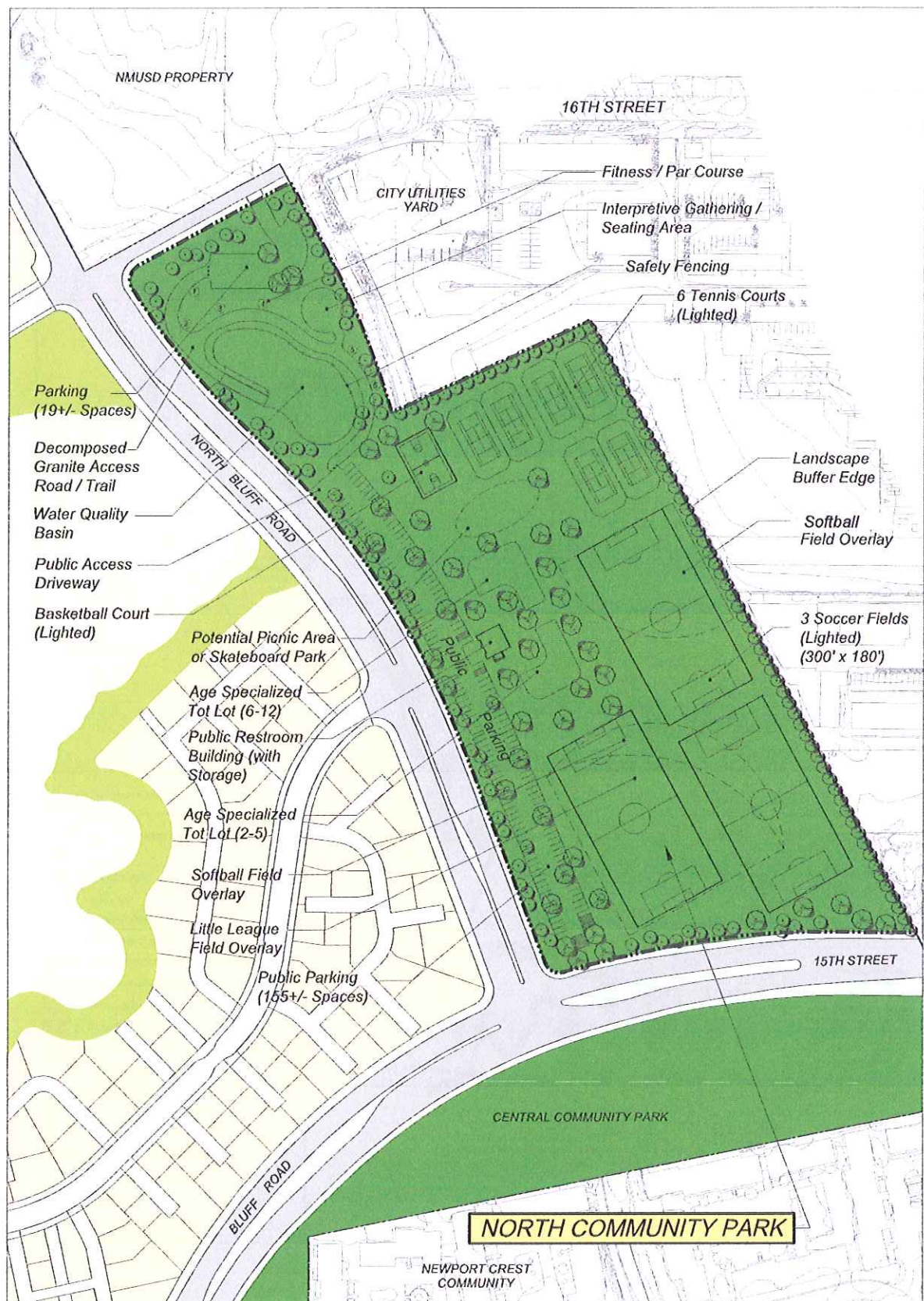
However, I do appreciate that you encouraged Mr. Ray and all of the public to present letters to the Planning Commission making requests such as allowing extended time for the public to comment on a project that will have staggering implications to the City and people who live here. I hope the format of future Newport Banning Ranch Planning Commission meetings is changed to accommodate all vested parties.

Thank you again.

Respectfully submitted,

Dorothy Kraus
10 Wild Goose Court
Newport Beach 92663
medjkraus@yahoo.com
949-337-6651

Enclosures



Source: FORMA 2011

North Community Park Development Plan

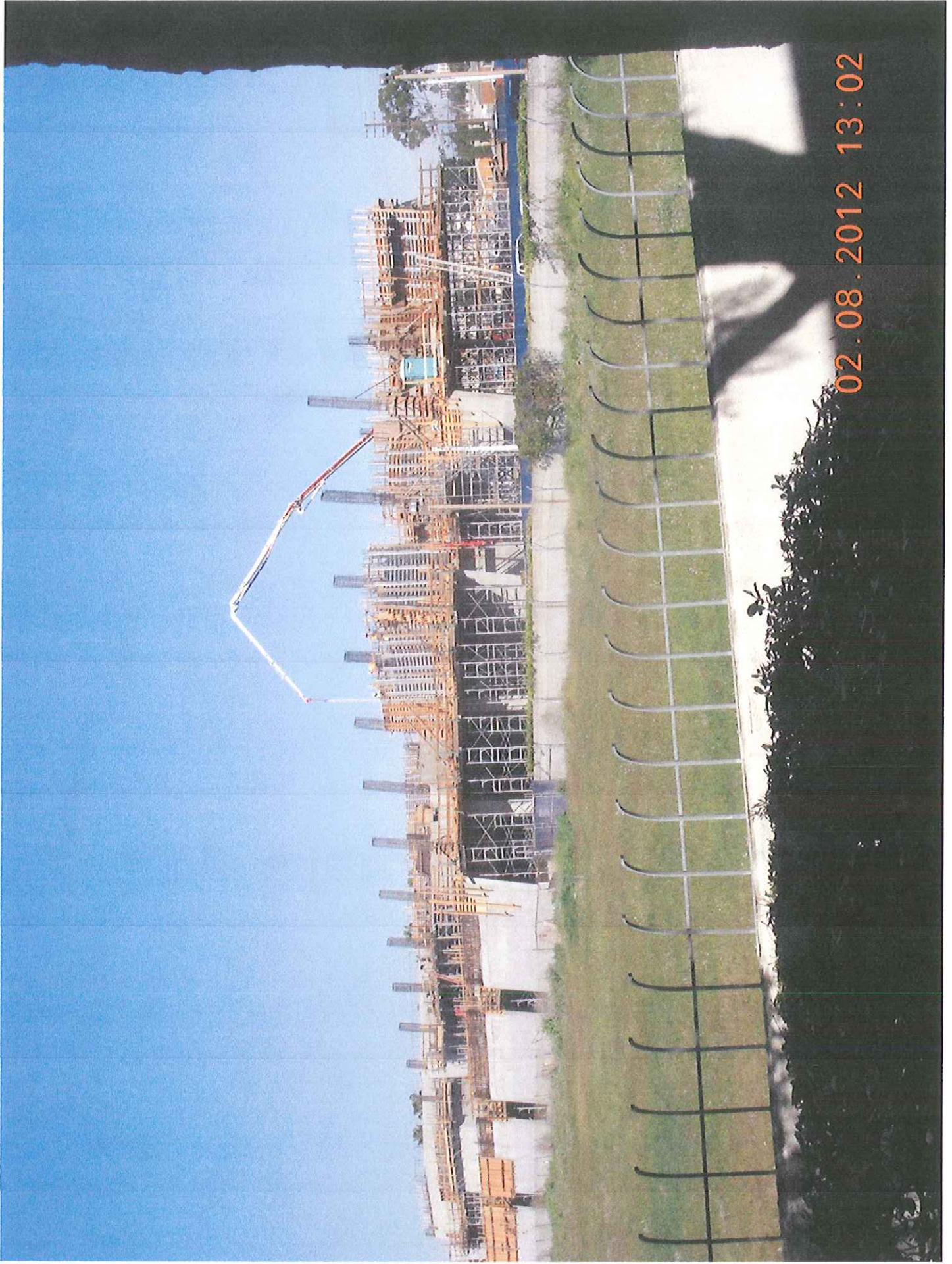
Exhibit 4.8-3

Newport Banning Ranch EIR



Bonterra
CONSULTING

(rev 082311 KFD) R:\Projects\Newport\J015\Graphics\EIR\Ex4.8-3_NCommParkDevPlan.pdf



02.08.2012 13:02

PLANNING COMMISSION AGENDA
CITY OF NEWPORT BEACH
COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
Thursday, February 23, 2012
Regular Meeting – 7:00 p.m.

MICHAEL TOERGE
Chair

BRADLEY HILLGREN
Vice Chair

FRED AMERI
Secretary

KORY KRAMER

JAY MYERS

LARRY TUCKER

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KIMBERLY BRANDT, Community Development Director

**BRENDA WISNESKI, Deputy Community
Development Director**

LEONIE MULVIHILL, Assistant City Attorney TONY BRINE, City Traffic Engineer

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200. The agendas, minutes, and staff reports are also available on the City's web site at: <http://www.newportbeachca.gov>.

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If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

NEWPORT BEACH PLANNING COMMISSION AGENDA
Council Chambers – 3300 Newport Boulevard
Thursday, February 23, 2012
REGULAR MEETING
7:00 p.m.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.

E. REQUEST FOR CONTINUANCES

F. CONSENT ITEMS

ITEM NO. 1 Minutes of February 9, 2012, Study Session

ACTION: Approve and file.

ITEM NO. 2 Minutes of February 9, 2012

ACTION: Approve and file.

G. PUBLIC HEARING ITEMS

ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE (3) MINUTES ON ALL ITEMS. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours.

ITEM NO. 3 Zoning Code Amendment Height of Fences, Hedges, Walls, and Retaining Walls (PA2012-018)

SUMMARY: The City of Newport Beach is considering an amendment to Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls) and Section 20.30.060 (Height Limits and Exceptions) to modify the method by which the height of fences, hedges, walls and retaining walls are measured. Other sections may be modified to ensure consistency of regulations. The proposed amendment will affect regulations that affect all property within the City. Staff recommends that this item be continued to March 8, 2012.

CEQA

COMPLIANCE: All significant environmental concerns for the proposed project have been addressed in a previously certified environmental document (Initial Study/Negative Declaration for the Zoning Code Update), and that the City of Newport Beach intends to use said document for the above noted project, and further that there are or no new mitigation measures that should be considered in conjunction with said project. Copies of the Initial Study/Negative Declaration for the Zoning Code Update are available for public review and inspection at the City of Newport Beach Planning Division or on the City's website.

ACTION: Continue the item to the March 8, 2012, Planning Commission meeting.

H. NEW BUSINESS

ITEM NO. 4 General Plan Annual Status Report including Housing Element Report (PA2007-195)

SUMMARY: Government Code Section 65400 mandates that the City prepare an annual report on the status of the General Plan and the progress of implementation. The General Plan Annual Status Report including Housing Element Report includes the requirements pursuant to Government Code Section 65400(B) and Government Code Sections 65583 and 65584, relating to the implementation of the Housing Element of the General Plan. The report will be submitted to the City Council and a copy is required to be sent to the Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

CEQA COMPLIANCE: The Report is not subject to CEQA, as the actions are not a project as defined in Section 15378(b) (2) of the Public Resources Code.

ACTION: Receive and file.

I. STAFF AND COMMISSIONER ITEMS

ITEM NO. 5 Community Development Director's report.

ITEM NO. 6 Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

ITEM NO. 7 Request for excused absences.

ADJOURNMENT

NEWPORT BEACH PLANNING COMMISSION MINUTES
Council Chambers – 3300 Newport Boulevard
Thursday, February 9, 2012
STUDY SESSION MEETING
4:30 p.m.

Commissioner Myers led the assembly in the pledge of allegiance.

A. ROLL CALL

PRESENT: Ameri, Hillgren Myers, Toerge, and Tucker
ABSENT: Kramer

Staff Present: Patrick Alford, Planning Manager; Brenda Wisneski, Deputy Community Development Director; Leonie Mulvihill, Assistant City Attorney; and Laura Detweiler, Recreation & Senior Services Director

B. CURRENT BUSINESS

ITEM NO. 1 Newport Banning Ranch: Discussion of the Open Space, Parks and Trails

The Chair read the title to the aforementioned item and called for a report from staff.

Patrick Alford, Planning Manager for the Community Development Department, Planning Division, and project manager for the Newport Banning Ranch Project presented a summary of the previous study session and reviewed the upcoming schedule. He noted on February 23, 2012, there will be a study session discussing land uses, development regulations, and architectural guidelines. He stated the second study session originally scheduled for that date on the Draft EIR has been moved to March 8, 2012.

He presented background on the project setting addressing adjacent open space and parks area, the Talbert Nature Preserve, Sunset Ridge Park, the Army Core of Engineers Restoration Area and the Santa Ana River. He illustrated the various natural features within the project site. He noted the proposed cut and fill for the site, which will cover land development areas, bluff restoration, soils, trails, habitat mitigation restoration, utility infrastructure and landscaping. Mr. Alford reported that there is complex vegetation on the site and listed the number of acres for the various kinds of vegetation.

Mr. Alford referenced and summarized the related general policies, presented an overview of the open space preserves and stated specific sites for specific uses. Mr. Alford addressed drainage management areas, consolidated oil sites, oil access road, and planting buffers. Regarding the oil sites, he reported that these are considered an interim use and that once the operational life of the oil fields has ended the area will be reverted to open space. He referenced the documents in the Master Development Plan relating to open space, including Habitat Restoration Plan, Life and Fire Safety Plan, and the Plant Palette, which will describe plants used in the various zones. He addressed park lands and listed planned improvements. Mr. Alford addressed connections to the trail system and major viewpoint areas as well as on-street parking proposed to serve North Bluff Park. He noted that it is estimated that North Bluff Park will have approximately 240 parking spaces available. Mr. Alford presented the location of South Bluff Park and addressed the development plan noting that it will be a passive park with seating area overviews, public seating, and pedestrian trails. He noted that both parks will be owned and maintained by the Homeowners Association with a public access easement.

Mr. Alford presented details of the interpretive parks which will be dedicated for public use, including the Nature Center site plan and ownership. He addressed the Vernal Pool Interpretive Area and public access. In addition, he presented information regarding public community parks, which will be dedicated to the City, and listed amenities to be included. He presented detailed information on the trails including locations and types of trails as well as the proposed pedestrian bridge including ADA access.

Marice White, on behalf of Newport Banning Ranch provided a PowerPoint presentation addressing active oil fields on the property and noting those areas will be cleaned up, restored and be part of a public open space area. She addressed Option 2 in the General Plan, which requires fifty (50%) percent of the site to be open space and she

listed goals. Ms. White reported that there will be a comprehensive habitat restoration program, which will create a large amount of open space at no cost to the City. Ms. White deferred to John Olivier of Fuscoe Engineering.

Mr. Olivier reviewed the topography of the area, he addressed the arroyos, and reported that there has been significant erosion of the bluff edge, which will be repaired and he addressed the necessary components in the repair. Mr. Olivier reported identification of areas where the bluff areas will need repair and addressed water runoff, low end basins, and rerouting the water to avoid erosion as well as infiltration.

Paul Edwards of FORMA Design presented background regarding open space planning and reported on their experience. He noted his firm has been reasonably successful, in a difficult environment. He addressed the concepts that framed the planning for the open space areas including the City's General Plan policies, the Coastal Act, the mapping of resources and avoiding impacts wherever possible. He stated they are trying to provide true public benefits noting that the project provides sustainable habitat protection as well as multi-tiered recreation opportunities for existing and future residents of Newport Beach. He pointed out that open space for the project site comprises seventy-six (76%) percent for the plan. It protects, restores, and improves the land, all for public purposes.

Mr. Edwards summarized plans for the parks and all of the areas of the subject property including the Nature Center, Vernal Pool Area, trails, North and South Bluff Parks, development areas, Urban Village, picnic areas, and setbacks for both bluff parks.

Brief discussion followed regarding the minimum setback from the street to the edge of the linear park.

Mr. Edwards reported on the trails for pedestrians as well as bikes including interpretive trails. He stated the oil roads will be followed to minimize environmental impacts and addressed the bridge. He acknowledged the need to continue to work on the design of the bridge and recognized that the approval process will be fairly involved. However, he stressed the public safety element makes it worth it. He addressed parking spaces, lack of driveways along the bluff parks, spaces within the Nature Center and within the resort. Mr. Edwards addressed the preserve that will be devoted to habitat protection and restoration, the low land areas, removal of invasive plants and maintenance. He noted the quantity and quality of the habitat will be improved and that Newport Banning Ranch will make up twenty-seven (27%) percent of the Orange Coast River Park. He reiterated that this will be done at no cost to tax payers.

In response to an inquiry from Commissioner Tucker, Mike Mohler, representing the applicant, addressed phasing for the trail park and open space improvement dedications. He noted that one of the first steps is cleaning the site from the oil. He explained the phases involved in completing the project and listed the advantages of doing so.

Ensuing discussion pertained to low lands and drainage areas, which are mitigated. He addressed the possibility of more extensive restoration by other agencies. Discussion continued regarding the timing of building the trails, the parks, ownership of the open space area, the possibility of the formation of a strategic alliance, funding the management and maintenance and ownership of the bluff-top and larger parks.

In response to inquiries from Commissioner Hillgren, Mr. Mohler addressed input received from the community and additional capacity the parks will provide relative to employing a maximum amount of uses. He reported meetings with soccer and baseball agencies interested in the project, addressed working with staff and the Parks Division as well as with the City of Costa Mesa, and felt this project will meet a large community need.

Discussion followed regarding dedicated parking for the trail heads and location of parking in the bluff areas.

C. PUBLIC COMMENTS

Chair Toerge opened the public comments portion of the meeting and invited those interested in addressing the Commission on this item.

Steve Ray of the Banning Ranch Conservancy affirmed the public need for open spaces for people as well as plants and animals that inhabit the area. He expressed concerns that with development of the project, significant critical areas of open space that are needed for various functions of the habitat to survive will be destroyed. He addressed the Conservancy's mission which is to preserve, acquire, maintain, and manage the entire Banning Ranch as permanent

open space, park and coastal nature preserve. He stated actions taken to date in order to accomplish the mission including the identification of funding sources and development of a restoration plan. He opined that the process is unfriendly to the public and would like for the public to have further participation. He expressed concern with scheduling the sessions during the afternoon, feeling it makes is publicly inaccessible. He indicated that the Conservancy will be submitting a letter to the Commission requesting to hold additional sessions and allow increased public input into the process. He stated that the Conservancy is relying on the Planning Commission to be the voice for the public.

Chair Toerge encouraged Mr. Ray to proceed with the letter, acknowledged the need for public input and recommended members of the public that have questions, to submit them to the Planning Commission. He indicated the proceedings will not be closed until the public has had an opportunity to express all concerns and get answers to their questions.

Chair Toerge requested that Mr. Ray provide a presentation to the Planning Commission as to what the Conservancy would like to see happen for consideration.

Mr. Ray reported the Conservancy will submit a letter proposing a solution and to educate the Commission on the alternative to the project which is its vision for Banning Ranch.

Discussion followed regarding acquisition of the open space, funding sources and actions being taken by the Conservancy to expedite an actual acquisition of the property.

Mr. Ray referenced a previous timeline for the acquisition process and noted the Conservancy has been pursuing funding from the Orange County Transportation Authority, specifically from Measure M, for which the Conservancy filed an application and evaluation of the application resulted in Banning Ranch being at the top of the list in terms of resource habitat value. He addressed other factors adding that Banning Ranch is the primary objective for OCTA to acquire. A last minute requirement was made for a letter from the owners indicating that they were willing to sell. Unfortunately the owners were not willing to engage and this along with other issues is being negotiated in order to obtain resolution. Mr. Ray also indicated that they are talking to other funding sources at this time.

Commissioner Tucker commented on the validity of the proposed seventy-six (76%) percent of open space.

Mr. Ray indicated there will be significant impacts in that the seventy-six (76%) percent of open space are areas that cannot be built anyway, that this is an ecological staircase which is a biological habitat that is self contained and that if you take away part of that you are destroying much larger parts of the habitat.

Chair Toerge noted that the Commission is not considering the sale of the property, but rather the application. He stated he hoped that the Conservancy would continue forward but felt it was unfair to the applicant to consider the issue if the Conservancy is not yet ready with a plan. He stated that what the Commission expects is to hear from the public regarding the subject applicant and making it the best plan possible. He commented that the Conservancy's acquisition opportunities will need to be resolved by the Conservancy parallel to this process and outside of the Chambers.

Commissioner Tucker noted the Conservancy's statement of "having a better plan". However, doing so would mean the Conservancy actually owns the property, which it does not.

Mr. Ray reported that previously, the Conservancy had requested the opportunity to make an organized presentation but staff denied it; therefore, he appealed to the Commission for the chance to do so.

Chair Toerge reported that for the balance of the meetings, the applicant's plan will be considered, not the acquisition of the property.

Chair Toerge closed the public hearing.

D. ADJOURNMENT – The meeting was adjourned at 6:04 p.m.

NEWPORT BEACH PLANNING COMMISSION MINUTES
Council Chambers – 3300 Newport Boulevard
Thursday, February 9, 2012
REGULAR MEETING
6:30 p.m.

A. CALL TO ORDER – The meeting was called to order at 6:30 p.m.

B. PLEDGE OF ALLEGIANCE – Led by Vice Chair Hillgren

C. ROLL CALL

PRESENT: Ameri, Hillgren, Myers, Toerge, and Tucker

ABSENT: Kramer

Staff Present: Kimberly Brandt, Community Development Director; Brenda Wisneski, Deputy Community Development Director; and Leonie Mulvihill, Assistant City Attorney

D. PUBLIC COMMENTS

Chair Toerge invited comments from those in the audience who wished to address the Commission on other than Agenda items.

Jim Mosher referenced a recent Harbor Commission meeting regarding Explore Ocean Redevelopment at the Balboa Fun Zone. He expressed concerns regarding existing restrictions regarding building over water and design guidelines. He suggested staff encourage Members of the Harbor Commission to develop a proposal that would be in character with the City of Newport Beach. In addition, he expressed concerns with the schedule of the Banning Ranch Development hearings and asked regarding the number of evening hearings planned. He opined it would be helpful to know what the next steps will be regarding the issue.

There being no one else wishing to address the Commission, Chair Toerge closed the public comments section of the meeting.

E. REQUEST FOR CONTINUANCES – None.

F. CONSENT ITEMS

ITEM NO. 1 Minutes of January 19, 2012, Study Session

Motion made by Vice Chair Hillgren and seconded by Secretary Ameri, and carried (5 – 0) with Commissioner Kramer absent, to approve the minutes of the January 19, 2012, Study Session as presented.

AYES: Ameri, Hillgren, Myers, Toerge, and Tucker

NOES: None.

ABSENT(EXCUSED): Kramer

ABSTENTION: None.

ITEM NO. 2 Minutes of January 19, 2012

Motion made by Commissioner Tucker and seconded by Vice Chair Hillgren, and carried (5 – 0) with Commissioner Kramer absent, to approve the minutes of January 19, 2012, as presented.

AYES: Ameri, Hillgren, Myers, Toerge, and Tucker

NOES: None.

ABSENT(EXCUSED): Kramer

ABSTENTION: None.

G. PUBLIC HEARING ITEMS**ITEM NO. 3** Weinberg Variance (PA2011-207)
138 Via Xanthe

Chair Toerge read the title to the aforementioned item, opened the public hearing and called for a report from staff.

Principal Planner James Campbell presented details of the report addressing the project site, location, size, side yard setback encroachments, addition, existing conditions, second floor addition, site plan, height limits, no direct window alignments, surrounding properties, and elevations. He noted that staff feels that there is no detriment to abutting properties since the encroachment is in a limited area. Mr. Campbell referenced changes to Conditions of Approval No. 4, elimination of Condition No. 5 and a correction to Condition No. 7.

Chair Toerge invited comments from the applicant on this item.

Paul Weinberg, applicant, reported submitting a larger project earlier but made modifications according to City staff suggestions. He opined that the scale and size of the project will fit well in the neighborhood. In response to an inquiry from Chair Toerge, Mr. Weinberg stated he had read the report and was in agreement with all Conditions of Approval as modified. He referenced a public easement and confirmed his agreement.

Principal Planner Campbell reported receiving correspondence regarding this item from one of the neighbors indicating support of the project.

Chair Toerge invited members of the public who wished to address the Commission on this item, to come forward.

Mary Pickens, neighbor, addressed previous modifications to the house and hoped it will not take away from the aesthetics of the home.

George Schroeder commented on the proposal and felt the new addition will be less bulky and less intrusive than most of the construction occurring in the area. He spoke in support of the project.

No one else wished to address the Commission on this item and Chair Toerge closed the public hearing.

Chair Toerge commented on the project and explained the benefits of the proposed structural elements and the need for a variance.

Discussion followed regarding no movement of the wall, setback requirements and possible issues with access for emergency vehicles.

Motion made by Commissioner Tucker and seconded by Vice Chair Hillgren, and carried (5 – 0) with Commissioner Kramer absent, to adopt a resolution approving Variance No. VA2011-010.

AYES: Ameri, Hillgren, Myers, Toerge, and Tucker
NOES: None.
ABSENT(EXCUSED): Kramer
ABSTENTION: None.

ITEM NO. 4 Beach Coin Laundromat Amendments (PA2011-209)
200 30th Street

Chair Toerge read the title to the aforementioned item, opened the public hearing, and called for a report from staff.

Assistant Planner Fern Nueno presented details of the proposed project and addressed existing conditions, adoption of the new Zoning Code in 2010 resulting in the required abatement of commercial uses in residential districts, and request from the applicant for a land use change in order to keep the existing Laundromat at that location. She addressed surrounding land uses, existing use and site conditions, the nonconforming structure, and recommendations. She noted that if approved, the item will go before City Council for review.

Chair Toerge invited the applicant to address the Commission on this item.

David Jones, Attorney for the applicant, reported that his client has had the business for over 50 years. In addition Mr. Jones stated that it is his client's primary source of income, and his client is a hands-on owner. He addressed his client's recent investment in the business including security cameras. Finally, he added that the business serves an important service to the community and is used by 300-400 people per week.

In response to an inquiry from Chair Toerge, Mr. Jones affirmed reading and indicated acceptance of the draft resolution.

Interested parties were invited to address the Commission on this item.

George Schroeder spoke in support of the project, noting that it provides a much needed service to the community. He noted that there are no other coin-operated Laundromats in the area.

Brenda Martin stated that she lives in the neighborhood near the Laundromat, that she polled other neighbors, and that they could not do without the Laundromat.

No one else wished to address the Commission on this item and Chair Toerge closed the public hearing.

Discussion followed regarding similar past issues, the vision for conversion to residential, minimizing nonconformities resulting from the new General Plan, the existence of a process for correcting impacts from the adoption of the General Plan, and the other uses that would be allowed if the amendments are approved. It was noted the project is not a variance, but amendments to the General Plan, Coastal Land Use Plan and Zoning Code.

Motion made by Vice Chair Hillgren and seconded by Commissioner Myers, and carried (5 – 0) with Commissioner Kramer absent, to adopt a resolution recommending City Council approval of General Plan Amendment No. GP2011-010, Local Coastal Plan Amendment No. LC2011-006, and Code Amendment No. CA2011-013.

AYES:	Ameri, Hillgren, Myers, Toerge, and Tucker
NOES:	None.
ABSENT(EXCUSED):	Kramer
ABSTENTION:	None.

ITEM NO. 5 Alternative Setback Determination (PA2012-001)
1702 Park Avenue

Chair Toerge read the title to the aforementioned item, opened the public hearing and called for a report from staff.

Assistant Planner Kay Sims referenced distribution of a memorandum clarifying the Floor Area Ratio (FAR) Analysis Table in the staff report and distribution of a copy of the complete site survey. She presented details of the report addressing location, original sub-division of the area, re-orientation of the subject and adjacent lots, setbacks, zoning code allowances, existing conditions, adjacent properties, required setbacks, applicant's requested setbacks, and recommended setbacks. In addition, she addressed buildable area and FAR upon application of the requested and recommended setbacks in comparison with and the FAR of typical lots in the area.

Interested parties were invited to address the Commission on this item.

Bill Guidero addressed the Commission representing the applicant. He indicated how he determined the setbacks and addressed previous similar projects and consistency with FAR's.

George Schroeder expressed concerns regarding the recommended rear-yard setback and spoke in support of the project request as proposed.

Bill Guidero noted the existing surrounding houses are encroaching in the rear setbacks as well.

Discussion followed regarding the setbacks on the existing structure.

No one else wished to address the Commission on this item and Chair Toerge closed the public hearing.

Discussion followed regarding the assignment of a five (5) foot rear setback rather than the three (3) rear setback requested. Assistant Planner Kay Sims stated that staff's recommendation of a five (5) foot rear setback was to achieve parity with the FARs of the majority (typical) of the lots within the subject block and also provide a more useable rear yard area on the site.

Discussion followed regarding developing a consistent approach other than dealing with these issues ad hoc.

Motion made by Vice Chair Hillgren and seconded by Commissioner Myers, and carried (5 – 0) with Commissioner Kramer absent, to approve Alternative Setback No. SA2012-001 to establish the following setbacks: Front (Along Park Avenue) – 6 feet, Sides – 3 feet and Rear (Opposite Park Avenue) – 3 feet.

AYES: Ameri, Hillgren, Myers, Toerge, and Tucker

NOES: None.

ABSENT(EXCUSED): Kramer

ABSTENTION: None.

H. NEW BUSINESS – None.

I. STAFF AND COMMISSIONER ITEMS

ITEM NO. 6 Community Development Director's report.

Community Development Director Kimberly Brandt advised the Commission that the City Council considered the two (2) applications for the Newport Beach Country Club where they approved the Planning Commission's recommendations with a modification regarding the Planned Community Text in terms of adding some language to the text regarding future minor modifications as to what can be approved at the staff level versus going to the Planning Commission. In addition, Council considered the appeal of the proposed lot merger on Ocean Boulevard and Council referred it back to the Planning Commission for further consideration and recommendation to Council. Ms. Brandt noted that staff will re-notice the item so that the public will be aware when the item will be heard by the Planning Commission.

ITEM NO. 7 Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report. – None.

ITEM NO. 8 Request for excused absences.

Vice Chair Hillgren requested an excused absence for the meeting of March 9, 2012.

Chair Toerge reported a good friend, Todd Schooler unexpectedly passed away this date. He listed his achievements and stated he served as an architectural advisor to the City's zoning committee. He noted he was an accomplished cyclist and spoke in his honor.

In addition, Chair Toerge reported on the passing of Dolores Otting who was active in the City and was the catalyst for the City's installation of the tsunami warning system.


There being no further business to come before the Planning Commission Chair Toerge adjourned the meeting in honor of Todd Schooler and Dolores Otting.

ADJOURNMENT – The meeting was adjourned at 7:33 p.m.



CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
3300 NEWPORT BOULEVARD, BLDG. C
NEWPORT BEACH, CA 92658-8915
(949) 644- 3297

Memorandum

To: Planning Commissioners
From: Brenda Wisneski, Deputy Community Development Director 
Date: February 17, 2012
Re: Item No. 3, Zoning Code Amendment Height of Fences, Hedges, Walls, and Retaining Walls (PA2012-018) – Continuance to March 8, 2012

Staff requests proposal to amend the Zoning provisions related to the Height of Fences, Hedges, Walls, and Retaining Walls be continued to March 8, 2012. Following noticing the item for a public hearing, the project planner was required to take a leave of absence for bereavement. In his absence, it was determined that additional analysis of the methods of measurement and regulations pertaining to fence height were needed.

**CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT**

February 23, 2012 Meeting
Agenda Item No. 4

SUBJECT: General Plan Annual Status Report including Housing Element Report (PA2007-195)

PLANNER: Melinda Whelan, Assistant Planner
(949) 644-3221, mwhelan@newportbeachca.gov

RECOMMENDATION

Receive and file.

DISCUSSION

Government Code Section 65400 mandates that the City prepare an annual report on the status of the General Plan and the progress of implementation. The attached report includes the requirements pursuant to Government Code Section 65400(B) and Government Code Sections 65583 and 65584, relating to the implementation of the Housing Element of the General Plan. The report will be submitted to the City Council and a copy is required to be sent to the Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

The General Plan Annual Progress Report (Attachment No. PC 1) follows preparation guidelines set forth by OPR and provides information for decision makers on the status of the General Plan and progress on implementation during the 2011 calendar year. The listed Implementation Programs are the General Plan Implementation Task List created by the General Plan/Local Coastal Program Implementation Committee in 2007.

The report also includes the Housing Element Report mandated by Government Code Sections 65583 and 65584. It demonstrates the City's progress in meeting its share of regional housing needs and Housing Element programs. Lastly, the Housing Element Report follows the guidelines provided by HCD as recommended by Government Code Section 65400(B). The Housing Element section includes the following information:

- A. Annual building activity reports for new housing units;
- B. Regional housing needs allocation progress; and
- C. Program implementation status including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing.

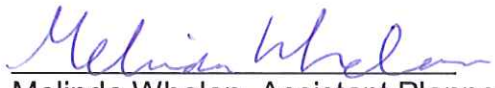
Environmental Review

The Report is not subject to CEQA, as the actions are not a project as defined in Section 15378(b) (2) of the Public Resources Code.


Noticing

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Planning Commission considers the item).

Prepared by:


Melinda Whelan, Assistant Planner

Submitted by:


Brenda Wisneski, Deputy Community
Development Director

ATTACHMENTS

PC 1 General Plan Annual Status Report (Including Housing Element Report)

Attachment No. PC 1

General Plan Annual Status Report
(Including Housing Element Report)



CITY OF NEWPORT BEACH

GENERAL PLAN ANNUAL STATUS REPORT

(Including Housing Element Report)

2011 Calendar Year

Consistent with Government Code Section 65400, the General Plan Annual Status Report was prepared using guidelines set forth by OPR and provides information for decision makers on the status of the General Plan and progress on implementation during the 2011 calendar year. The updated Newport Beach General Plan was adopted in November 2006 pursuant to guidelines provided in Government Code Section 65040.2 and consistent with Section 65400(a)(2)(c). On December 12, 2006, City Council created the General Plan/Local Coastal Program Implementation Committee for the purpose of guiding implementation of the General Plan and Local Coastal Plan. The Committee created the General Plan Implementation Task List to implement the General Plan. This report evaluates and provides the status of work on each task as well as on other tasks that implement General Plan policy that were identified after preparation of the Task List.

The Housing Element Report addresses specific requirements mandated by Government Code Section 65400(a)(2), Government Code Sections 65584 and 65583, and can be found following the General Plan Implementation tasks.

A. GENERAL PLAN IMPLEMENTATION TASKS

TASKS		STATUS
1.	Housing Element certification by the Department of Housing and Community Development (HCD) (Housing Element)	<p>Complete</p> <ul style="list-style-type: none"> The Draft Housing Element Update was adopted by City Council in November 2011. City received a final letter from HCD on December 29, 2011, finding full compliance with state housing element law.
2.	Economic Development Strategic Plan Implementation (Land Use Element)	<p>Ongoing</p> <ul style="list-style-type: none"> Bi-annually update the Strategic Plan Implementation schedule, which includes objectives from the plan and a time line with allocated staff hours. Objective 2.2 Newport Center/Fashion Island renovations (Phase I) are complete. Phase II, a renovation of the movie theaters is complete. The Special Events Advisory Committee (SEAC) was formed to assist the City Council in evaluating requests for City support of community events. On June 28, 2011, the City Council approved allocating a total of \$214,480 for community event grants in the fiscal year 2011-2012 General Fund budget. Fifteen local organizations were awarded grants ranging from \$800 to \$90,000. The 2011 Special Events Calendar was published in January 2011 and was printed in the February 2011 Navigator. These have been updated for 2012. Provided data and background information for development of the Lido Village Concept Plan, including input to departments for review of concept options.
3.	Fair Share Fee update (Circulation Element)	<p>Pending</p> <p>Staff is developing a recommendation to update the fee based on the results of the fee study. Discussion at City Council will occur in mid-2012.</p>

TASKS	STATUS
<p>4. Parking requirements and management (Circulation Element)</p>	<p>On-going</p> <ul style="list-style-type: none"> ▪ Policy issues related to implementation measures to form a parking management district in the Balboa Village area were presented to City Council at study session in September 2010. Subsequently, staff was directed to develop a Balboa Village Vision Plan. A Parking Management Plan will be prepared for the City Council in Spring 2012 which recommends creating a parking management district.
<p>5. Traffic signal synchronization (Circulation Element)</p>	<p>Pending</p> <ul style="list-style-type: none"> ▪ Phases 1-4 and 7 have been completed. ▪ Phase 5 construction is anticipated to be completed in Spring 2012. ▪ Phase 6 design is anticipated to begin Summer 2012.
<p>6. Planned Community rewrite and revisions (Land Use Element)</p>	<p>On-going</p> <ul style="list-style-type: none"> ▪ Property owners are responsible for amendments in the North Newport Center. ▪ Planned Community Amendments to Newport Place (PC 11) and Koll Center (PC 15) to add residential as a permitted use will be considered in Spring 2012. ▪ The City prepared a conceptual development plan for Koll and Conexant (Airport Area). The property owners have submitted their individual applications for the Planned Community amendments. ▪ Banning Ranch application includes the development of a Planned Community Development Text and the final EIR is being drafted with public hearings anticipated in Spring 2012.

TASKS		STATUS
7.	Banning Ranch Pre-Annexation and Development Agreement (Land Use Element)	<p>Pending</p> <ul style="list-style-type: none"> ▪ Development Agreement terms established. ▪ Draft Development Agreement document is being prepared by the Office of the City Attorney. ▪ Draft EIR completed in September 2011; Final EIR is being drafted. ▪ Public hearings anticipated in Spring 2012.
8.	Acquisition for Open Space – support active pursuit of Banning Ranch as permanent open space (Land Use Element)	<p>Ongoing</p> <ul style="list-style-type: none"> ▪ The exploration for the acquisition of Banning Ranch is continual, but to date, no funding sources have been identified.

TASKS	STATUS
<p>9. Run-off and Pollution Reduction Plan (Natural Resources Element)</p>	<p>On-going</p> <ul style="list-style-type: none"> ▪ Continued compliance SARWQCB Water Quality Order No. R8-2009-0030 NPDES No. CAS618030 which is the storm water permit issued by the Santa Regional Water Quality Control Board (SRWQB). ▪ Installing Centralized Weather Based Irrigation Controller systems in all City parks. ▪ In Spring 2012, staff will present to Council a Tiered Water Rate Development which proposes restructuring the way the City charges for water. ▪ Installation of two CDS units (Measure M funding) capturing trash and debris (Old Newport Blvd.). ▪ Buck Gully Erosion and Stabilization Project. <p>The following actions resulted in the improvement of water quality and the implementation of water conservation programs:</p> <ul style="list-style-type: none"> ▪ NPDES Inspections: Commercial, Industrial, Construction and Restaurant inspections assuring compliance with water quality standards. ▪ Weather Based Irrigation Controller Installation Program (prop 84 Grant funds) throughout Newport Beach's Areas of Special Biological Significance (ASBS) watershed. ▪ Offering turf replacement rebate (\$1 sq. ft.). To date over twenty properties are converting turf for drought tolerant plantings. ▪ Implemented action to comply with SB-7x 7 Governors Water Reduction of 20% by 2020. ▪ Submitted California Urban Water Conservation Council (CUWCC) Report which demonstrated compliance with the requirements of the State Department of Water Resources. <p><i>Public Outreach:</i></p> <ul style="list-style-type: none"> ▪ WaterMiser Workshop ▪ Monthly Water Bill Inserts (Water Quality and Water Use Efficiency) ▪ Resident Survey (Water Quality & Water Conservation) ▪ Coastal Cleanup Day ▪ Kids Water Education Festival ▪ HOA and Interest Group Presentations

TASKS		STATUS
10.	Land Use database refinements and maintenance (Land Use Element)	On-going Maintenance and updates of databases are on-going.
11.	Building Code amendments regarding green buildings (Land Use Element)	Ongoing <ul style="list-style-type: none"> For residential - energy star designation for all appliances, establish a maximum kitchen faucet flow rate and dishwasher water use, and a minimum efficiency rating value air filter for HVAC equipment. For nonresidential – control storm water runoff quantity and quality, energy star equipment and appliances if available, energy saving controls for buildings with one or more elevators or escalators, reduce water of commercial clothes washer by 10% below CEC standard, and reduce water for commercial dishwashers consistent with the Green building Code. City Council adopted the California Green Building Standards Code on November 23, 2010, which became effective on January 11, 2011. The aforementioned amendments were adopted on January 25, 2011, and became effective on February 25, 2011. Green web links were completed and are provided to the public at http://www.newportbeachca.gov/index.aspx?page=1808.
12.	Amend City Council Policies on historic, archaeological and paleontological resources (Historical Resources Element)	Not Started Projects are required to comply with the existing Council Policies and the California Environmental Quality Act (CEQA) requirements. The Council Policies will be reviewed for possible updates.

TASKS	STATUS
13. Funding and priority program for construction of noise barriers along arterials (Noise Element)	<p>Pending Availability of Resources</p> <p>No current projects are under consideration.</p>
14. Annual Review of CIP to determine consistency with the General Plan and Coastal Land Use Plan (Land Use Element)	<p>Ongoing</p> <p>On May 19, 2011, staff presented CIP for fiscal year 2011-2012 to the Planning Commission for review. The Planning Commission determined the CIP as consistent and the CIP was included with the CIP budget presentation to the City Council.</p>
15. Emergency Preparedness (Safety Element)	<p>Ongoing</p> <ul style="list-style-type: none"> ▪ Point of Dispensing Grant <p>In January of 2011, the City signed a Planning Services Agreement with the Orange County Health Care Agency (OCHCA) to plan and prepare for public health emergencies. Over the past year, the Fire Department has written Point of Dispensing Plans (POD) for three sites in Newport Beach which include Oasis Senior Center, Saint Andrews Church, and Newport Harbor Lutheran Church. These detailed POD plans can be activated to provide medication and medical supplies to first responders and to the public. It is estimated that each POD site could provide initial prophylaxis to 40,000 people in the first 48 hours of exposure during a public health emergency such as an anthrax attack or a pandemic outbreak.</p> <p>The core function of a POD site is to provide vaccines and medications to a large number of persons during the onset of a public health emergency. The key to survival for most people is to provide antibiotics/vaccines before an individual shows any clinical symptoms. The POD plans describe the process of dispensing medications to a large number of people for prophylaxis of asymptomatic</p>

TASKS	STATUS
	<p>individuals as well as treatment of symptomatic persons. The plan also includes detailed site layouts, identifies city staff positions and assignments, and discusses the interaction between the City, the Orange County Health Care Agency, and the U.S Department of Health and Human Services.</p> <p>In exchange for writing the plans, the OCHCA provided pass-through grant funding to the City to purchase supplies and equipment for the POD sites.</p> <ul style="list-style-type: none"> ▪ <u>Continuity of Operations Plan</u> In 2011, the City completed a Continuity of Operations Plan (COOP). The COOP is a Federal initiative to ensure that government agencies are able to continue performance of their organization's essential functions with limited to no interruptions under all-hazard events, including natural disasters and man-made events such as technological and terrorism incidents. During 2011, a committee with representatives from each department provided specific information that was incorporated into the overall continuity plan. This detailed plan provides the City with the means to address numerous issues involved in performing essential functions and services during an emergency. The City of Newport Beach Continuity Plan was funded by a Department of Homeland Security grant. ▪ <u>Tsunami/Beach Safety Education Kiosks</u> In January of 2012, seven Tsunami/Beach Safety Education Kiosks were installed in key areas in Newport Beach. The kiosks were funded by a \$15,000 education grant from the California Emergency Management Agency (Cal EMA). The purpose of the project is to educate residents and visitors about the inherent risks of the ocean which include tsunamis and rip currents. They also provide detailed evacuation routes from each location to be used if a tsunami warning is issued or a large local earthquake occurs that requires an evacuation. The kiosks are located at both piers, next to the three Outdoor Warning Sirens, and outside Newport Beach Elementary School.

B. GENERAL PLAN POLICY IMPLEMENTATION TASKS IDENTIFIED AFTER TASK LIST WAS CREATED

TASKS	STATUS
<p>1. Priority for Facility Provision Parks and Recreation (Recreation Element)</p>	<p>Ongoing</p> <ul style="list-style-type: none"> Sunset Ridge Park – In December 2011, staff submitted a revised project to the Coastal Commission for a Coastal Development Permit. Revisions included deleting the on-site parking lot, using existing off-site parking instead, and deleting new access road to the on-site parking. Banning Ranch - Draft plans include 52 acres of park and open space areas. The Final EIR is being drafted and public hearings anticipated in Spring 2012. Marina Park - Coastal Commission has deemed the application complete and is anticipating a hearing in Spring 2012.
<p>2. Alternative Transportation Modes (Circulation Element)</p>	<p>Ongoing</p> <p>The Citizens Bicycle Safety Committee was established in August 2010 to promote bicycle safety and responsible cycling within the City through public outreach, bicycle facility improvements, and review of City policies and practices related to bicycles. 2011 included the following:</p> <ul style="list-style-type: none"> Prepared/distributed Safety Guidelines for Bicyclists and Motorists pamphlet; Prepared/distributed letter to associations regarding maintenance/parking practices in bicycle lanes; Deployed Sharrow pavement markings as a pilot program along Bayside Drive; Deployed "SHARE THE ROAD" and "WATCH DOWN HILL SPEED" warning signs in Corona Del Mar and Newport Coast; Prepared draft city-wide bicycle route map; Prepared conceptual plans for bicycle facility improvements on Coast Highway, Bonita Canyon Road, and Newport Coast Drive. Prepared conceptual plans for Sharrow program on Coast Highway through Corona del Mar. Prepared conceptual plans for alternate bike routes through Corona del Mar.

TASKS	STATUS
<p>3. Provide a pedestrian-oriented village environment that reflects its waterfront location, providing a mix of uses that serves visitors and local residents in Lido Village (Land Use Element)</p>	<p>Lido Village Conceptual Plan:</p> <ul style="list-style-type: none"> ▪ In July 2010, the City Council designated an ad hoc committee to participate in a conceptual planning process to analyze potential land use alternatives for the future re-use of the City Hall site, and revitalization of Lido Marina Village and Via Lido Plaza. As a result of that effort, on January 25, 2011, the City Council approved a concept plan (Alternative 5B) that encompassed several design objectives for the area. ▪ On June, 14, 2011, the City Council Ad Hoc Neighborhood Revitalization Committee authorized the preparation of architectural and landscape design guidelines for the Lido Village area and created a six-member Citizens Advisory Committee (CAP) to guide the development of the design guidelines. ▪ CAP conducted five noticed public meetings including a community open house in 2011. ▪ The design guidelines were scheduled for review by the City Council on January 10, 2012, (approved).
<p>4. Provide opportunities for improved development and enhanced environments for residents in the following districts and corridors, as specified in Polices 6.3.1 through 6.22.7: Balboa Village (Land Use Element)</p>	<p>Balboa Village Revitalization:</p> <ul style="list-style-type: none"> ▪ The City Council Ad Hoc Neighborhood Revitalization Committee (NRC) prioritized the preparation of a refreshed "Vision Plan" for Balboa Village for the preparation of an Economic Vision and Revitalization Strategy that addresses market opportunities and constraints, infrastructure opportunities, and previous economic development efforts. ▪ The Balboa Village Citizens Advisory Panel (CAP) conducted public meetings principally devoted to the identification of a future vision and familiarizing themselves with the prior work prepared by the Balboa Peninsula Planning Advisory Committee (BPPAC). ▪ The CAP has received an update on the future plans for the Newport Harbor Nautical Museum (ExplorOcean) and Balboa Theater. ▪ Staff selected a consultant to prepare an assessment of economic, market, and parking conditions that will provide valuable facts to support a strategy to implement new and previously identified policies to revitalize the area. ▪ A Draft Implementation report which compiles the results of the Marketing and Parking Study will be considered in Spring 2012.

TASKS	STATUS
<p>5. Provide opportunities for improved development and enhanced environments for residents in the following districts and corridors, as specified in Polices 6.3.1 through 6.22.7: Corona del Mar for enhancement of public improvements and parking (Land Use Element)</p>	<p>Corona Del Mar Entry Revitalization:</p> <ul style="list-style-type: none"> ▪ The City Council Ad Hoc Neighborhood Revitalization Committee (NRC) prioritized the preparation of the Preliminary Design of a Capital Improvement Project for beautification of the south side of East Coast Highway from Avocado Avenue to Dahlia Avenue for Fiscal Year 2011-2012. ▪ A subcommittee of the Revitalization Committee, the Council established the Corona del Mar Entry Citizen Advisory Panel (CAP). The CAP has discussed the opportunities and constraints of existing infrastructure, circulation, transportation, land use policy, design, and parking. ▪ Two concept plans for widening the sidewalk along the south side of Coast Highway were reviewed. Each plan would move the southbound lane drop further to the west between Avocado and MacArthur instead of the current location between Carnation and Dahlia. ▪ The CAP approved a single concept plan in December of 2011, and forwarded it to the NRC for further consideration.
<p>6. Provide opportunities for improved development and enhanced environments for residents in the following districts and corridors, as specified in Polices 6.3.1 through 6.22.7: West Newport (Land Use Element)</p>	<p>West Newport Revitalization:</p> <ul style="list-style-type: none"> ▪ The City Council Ad Hoc Neighborhood Revitalization Committee (NRC) prioritized the preparation of a preliminary design of a Capital Improvement Project for beautification of West Coast Highway from the Santa Ana River to the Arches Bridge and of Balboa Boulevard from West Coast Highway to McFadden Square. ▪ The West Newport Heights CAP identified keystones to the project to include alteration of existing medians, incorporation of sustainable elements, and the addition of lush plantings to soften the look and improve the aesthetics of the area. ▪ The CAP forwarded a concept layout which included landscaping with varying heights (groundcover, shrubs and canopy trees), while minimizing hardscape. ▪ The conceptual plans were presented at the December 15, 2011 Neighborhood Revitalization Committee meeting and were approved for review by City Council.



CITY OF NEWPORT BEACH

GENERAL PLAN ANNUAL STATUS REPORT

Housing Element Report

2011 Calendar Year

As required by Government Code Sections 65583 and 65584, the Housing Element Report demonstrates the City's progress in meeting its share of regional housing needs and Housing Element programs. As mandated by Government Code Section 65400, this report was prepared consistent with guidelines provided by the Department of Housing and Community Development (HCD).

The Housing Element report includes the following information:

- A. Annual building activity reports for new housing units;
- B. Regional housing needs allocation progress; and
- C. Program implementation status including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing.

A. Annual Building Activity Reports for New Housing Units

Data from the Newport Beach Building Division "Building Activity Report" was used to prepare the following table, illustrating the number of permits issued for construction of new housing units and for demolished housing units in calendar year 2011:

PERMITS ISSUED FOR HOUSING UNITS 2010			
CALENDAR YEAR	NEW UNITS	DEMOLISHED UNITS	NET INCREASE IN UNITS
2011	98	79	19

ANNUAL BUILDING ACTIVITY REPORT FOR MODERATE INCOME UNITS 2011						
	1. SINGLE FAMILY	2. 2-4 UNITS	3. 5+ UNITS	4. SECOND UNIT	5. MOBILE HOMES	6. TOTAL
NO. OF UNITS PERMITTED FOR MODERATE	0	0	0	0	0	0
NO. OF UNITS PERMITTED FOR ABOVE MODERATE	73	11(2-UNIT PROJECTS) + 2 (MIXED-USE) = 24 TOTAL UNITS	0	1(UNIT OVER GARAGE)	0	98

B. REGIONAL HOUSING NEEDS ALLOCATION PROGRESS

The Southern California Association of Governments (SCAG) prepared a Regional Housing Needs Allocation (RHNA) to identify the housing needs for each jurisdiction within the SCAG region. SCAG, through the RHNA process, assigned Newport Beach a share of the region's new housing units that should be constructed in the 2006-2014 planning period to satisfy housing needs resulting from projected growth in the region. To accommodate projected growth in the region, SCAG determined the City's share of RHNA to be 1,769 new dwelling units.

The table, below, summarizes the City's share of RHNA for new housing construction, for households at different income levels, for the 2006-2014 Planning Period. Pursuant to HCD guidelines, it includes a carryover of the unaccommodated portion of the 2000-2005 RHNA allocation of 145 units.

TOTAL RHNA CONSTRUCTION NEED BY INCOME 2006-2014				
VERY LOW	LOW	MODERATE	ABOVE MODERATE	TOTAL
451	319	442	702	1,914
24%	17%	23%	36%	100%

CITY'S PROGRESS IN MEETING IT'S SHARE OF RHNA FOR PERIOD 2006-2014					
	VERY LOW	LOW	MODERATE	ABOVE MODERATE	TOTAL
PROJECTED NEED	451	319	442	702	1,914
NEW UNITS PERMITTED (06-07)	0	0	0	18	18
NEW UNITS PERMITTED (07-08)	0	0	0	10	10
NEW UNITS PERMITTED (08-09)	0	0	0	6	6
NEW UNITS PERMITTED (09-10)	0	0	0	0	0
NEW UNITS PERMITTED (10-11)	0	0	0	19	19
REMAINING NEED	451	319	442	649	1,861

C. PROGRAM IMPLEMENTATION STATUS/ LOCAL EFFORTS TO REMOVE GOVERNMENTAL CONSTRAINTS

The 2008-2014 Housing Element update was completed and adopted by City Council in November 2011. On December 29, 2011, the City received a final letter from HCD finding full compliance with state housing element law. The goals adopted in the 2006 Housing Element have not been revised; however, in order to more effectively achieve those long-range goals and objectives, meet the City's allocation of affordable housing in the region, and be consistent with State housing law, the Newport Beach Housing Element has been updated through the incorporation of several new housing programs as well as deletions and revisions to previously adopted housing programs. The deleted housing programs were either covered by other programs or were no longer relevant because they were completed in prior years. The following chart provides the status of the current housing programs provided in the 2008-2014 Housing Element update. The new programs are called out as "new" and the two revised programs are called out as "updated".

PROGRAM	GOAL	STATUS
1.1.1	Improve housing quality and prevent deterioration of existing neighborhoods by strictly enforcing building code regulations and abating code violations and nuisances.	<p>On-going</p> <p>The building inspectors and code enforcement officers continually enforce code regulations and abate violations and nuisances. A quarterly report on code enforcement activities is available and kept on file at the City.</p>
1.1.2	Participate with the Orange County Housing Authority (OCHA) and Housing and Community Development Division in their administration of rehabilitation loans and grants for low- and moderate-income homeowners and rental property owners to encourage preservation of existing City housing stock.	<p>On-going</p> <p>City staff attends OCHA's Cities Advisory Committee meetings to keep up to date on rehabilitation programs offered by the County in order to inform homeowners and rental property owners within the City of opportunities and to encourage preservation of existing housing stock.</p>

PROGRAM	GOAL	STATUS
1.1.3	Require replacement of housing demolished within the Coastal Zone when housing is or has been occupied by very-low, low-, and moderate-income households within the preceding 12 months. The City shall prohibit demolition unless a Coastal Residential Development (CRDP) Permit has been issued. The specific provisions implementing replacement unit requirements are contained in the Municipal Code.	On-going The City uses Chapter 20.34 "Conversion or Demolition of Affordable Housing" by monitoring demo requests and permits. No CRDP's were issued in 2011.
2.1.1	Maintain rental opportunities by restricting conversions of rental units to condominiums unless the vacancy rate in Newport Beach for rental housing is an average 5 percent or higher for four (4) consecutive quarters, and unless the property owner complies with condominium conversion regulations contained in Chapter 19.64 of the Newport Beach Municipal Code.	On-going A vacancy rate survey is completed every quarter to monitor consistency with this policy. The results of the surveys conducted for the 2011 calendar year provided an average vacancy rate higher than 5 percent therefore, conversions are not restricted.
2.1.2	Take all feasible actions, through use of development agreements, expedited development review, and expedited processing of grading, building and other development permits, to ensure expedient construction and occupancy for projects approved with low- and moderate-income housing requirements.	On-going Pending applications which include affordable housing will be expedited.
2.1.3	Participate with the County of Orange in the issuance of tax-exempt mortgage revenue bonds to facilitate and assist in financing, development and construction of housing affordable to low and moderate-income households.	On-Going The issuance of tax-exempt mortgage revenue bonds is project driven, and the developer typically applies for the bonds. No applications were received.

PROGRAM	GOAL	STATUS
2.1.4	Conduct an annual compliance-monitoring program for units required to be occupied by very low-, low-, and moderate-income households.	On-Going Annual compliance monitoring has been conducted and the report for the City's income and rent restricted units is in process by LDM Associates (consultant) and will be completed mid-year of 2012. Follow-up continued through 2011 for two affordable housing projects to complete 2010 monitoring.
2.1.5 New	Provide entitlement assistance, expedited entitlement processing, and waive application processing fees for developments in which 5 percent of units are affordable to extremely low-income households. To be eligible for a fee waiver, the units shall be subject to an affordability covenant for a minimum duration of 30 years. The affordable units provided shall be granted a waiver of park in-lieu fees (if applicable) and traffic fairshare fees.	On-Going Implement as projects are submitted and no new projects were proposed.
2.1.6 New	Affordable housing developments providing units affordable to extremely low-income households shall be given the highest priority for use of Affordable Housing Fund monies.	On-Going Implement as projects are submitted and no new projects were proposed.

PROGRAM	GOAL	STATUS
2.2.1	<p>Require a proportion of affordable housing in new residential developments or levy an in-lieu fee. The City's goal over the five-year planning period is for an average of 15 percent of all new housing units to be affordable to very low-, low-, and moderate-income households. The City shall either (a) require the payment of an in-lieu fee, or (b) require the preparation of an Affordable Housing Implementation Plan (AHIP) that specifies how the development will meet the City's affordable housing goal, depending on the following criteria for project size:</p> <ol style="list-style-type: none"> 1. Projects of 50 or fewer units shall have the option of preparing an AHIP or paying the in-lieu fee. 2. Projects where more than 50 units are proposed shall be required to prepare an AHIP. <p>Implementation of this program will occur in conjunction with City approval of any residential discretionary permits or Tentative Tract Maps. To insure compliance with the 15 percent affordability requirements, the City will include conditions in the approval of discretionary permits and Tentative Tract Maps to require ongoing monitoring of those projects.</p>	<p><i>On-going</i></p> <p>No projects were approved in 2011.</p> <p>The affordable housing balance is \$1,546,573.</p>

PROGRAM	GOAL	STATUS
2.2.2 New	Periodically review the City's Inclusionary Housing In-lieu fees to ensure it is adequate to support the development of affordable projects.	<p>On-going</p> <p>The City's in-lieu housing fee was adopted in April 2010 at \$18,500 per market rate ownership unit. The adopting resolution provides for automatic adjustments based upon the annual percentage change in the new home prices in Orange County as published in Real Estate Research Council report (from December to December). The fee was revised in 2011 to be \$20,554 per market rate ownership unit.</p>
2.2.3 New	Develop a brochure of incentives offered by the City for the development of affordable housing including fee waivers, expedited processing, Inclusionary Housing requirements, and density bonuses and other incentives. Provide a copy of this brochure at the Planning Counter, the website and also provide a copy to potential developers.	<p>Pending</p> <p>Brochure is under development with anticipated completion in winter 2012.</p>
2.2.4	The City shall provide more assistance for projects that provide a higher number of affordable units or a greater level of affordability. At least 15 percent of units shall be affordable when assistance is provided from Community Development Block Grant funds or the City's Affordable Housing Fund.	<p>On-going</p> <p>Implement as projects are submitted and no new projects were proposed.</p>
2.2.5	For new developments proposed in the Coastal Zone areas of the City, the City shall follow Government Code Section 65590 and Title 20.	<p>On-going</p> <p>The City uses Chapter 20.34 "Conversion or Demolition of Affordable Housing" by monitoring demo requests and permits. No CRDPs were issued in 2011.</p>

PROGRAM	GOAL	STATUS
2.2.6	All required affordable units shall have restrictions to maintain their affordability for a minimum of 30 years.	<p>On-going</p> <p>The City advises affordable housing developers that all affordable units are restricted to a minimum 30-year time period.</p>
2.2.7	Advise and educate existing landowners and prospective developers of affordable housing development opportunities available within the Banning Ranch, Airport Area, Newport Mesa, Newport Center, Mariners' Mile, West Newport Highway, and Balboa Peninsula areas.	<p>On-going</p> <p>City staff has been discussing affordable housing development opportunities with the applicants on the Banning Ranch, Koll and Uptown Newport projects and with other potential affordable housing developers. As part of the Master Plan Development of Banning Ranch and the Plans for Koll and Uptown Newport, an AHIP will be prepared to address affordable housing requirements.</p> <p>Staff provided information on these areas to prospective developers interested in building an affordable senior housing project and directed them to the Sites Analysis and Inventory.</p>

PROGRAM	GOAL	STATUS
2.2.8	Participate in other programs that assist production of housing.	<p>On-going</p> <p>City staff attends OCHA Cities Advisory Committee meetings to keep up-to-date with programs that assist in the production of housing.</p> <p>Staff informs developers of programs that are available to assist in the production of housing for all income levels.</p>
2.2.9	New developments that provide housing for lower-income households that help meet regional needs shall have priority for the provision of available and future resources or services, including water and sewer supply and services.	<p>On-going</p> <p>The City has provided a copy of the Housing Element to water and sewer service providers. Pursuant to state law, water and sewer providers must grant priority to developments that include housing units affordable to lower income households.</p>
2.2.10 New	Implement Chapter 20.32 (Density Bonus) of the Zoning Code and educate interested developers about the benefits of density bonuses and related incentives for the development of housing that is affordable to very low-, low-, and moderate-income households and senior citizens.	<p>On-going</p> <p>Implement as projects are submitted. Density Bonus information and incentives will be included in an informational brochure for the public.</p>
2.2.11 New	Monitor the impact of Housing Program 2.2.1 and the City's Inclusionary Housing Ordinance on the overall production of housing within the City. Considerations shall include whether the inclusionary program results in cost shifting where the costs of subsidizing the affordable units is underwritten by the purchasers of market-rate units in the form of higher prices.	<p>On-going</p> <p>The impact of Housing Program 2.2.1 will be monitored and a report of staff's findings will be provided within the annual Housing Element Report, beginning with the 2012 calendar year.</p>

PROGRAM	GOAL	STATUS
2.3.1	Study housing impacts of proposed major commercial/industrial projects during the development review process. Prior to project approval, a housing impact assessment shall be developed by the City with the active involvement of the developer. Such assessment shall indicate the magnitude of jobs to be created by the project, where housing opportunities are expected to be available, and what measures (public and private) are requisite, if any, to ensure an adequate supply of housing for the projected labor force of the project and for any restrictions on development due to the "Charter Section 423" initiative.	On-going The City reviews impacts and develops mitigation measures to housing of all projects as required by CEQA. There were no major projects proposed in 2011.
3.1.1	Provide a streamlined "fast-track" development review process for proposed affordable housing developments.	On-going The City will prioritize the development review process for all affordable housing projects. No projects were proposed in 2011.
3.1.2	When a residential developer agrees to construct housing for persons and families of very low, low and moderate income above mandated requirements, the City shall either (1) grant a density bonus as required by state law, or (2) provide other incentives of equivalent financial value.	On-going The City considers density bonuses and other incentives on a project-by-project basis. Chapter 20.32 Density Bonus is included in the Zoning Code and is implemented as projects are submitted. No projects were proposed in 2011.

PROGRAM	GOAL	STATUS
3.1.3	Review and consider in accordance with state law, the waiver of planning and park fees, and modification of development standards, (e.g., setbacks, lot coverage, etc.) at the discretion of City Council and Planning Commission for developments containing very low, low- and moderate-income housing in proportion to the number of low- and moderate-income units in each entire project.	On-going Waivers and incentives are considered by the Planning Commission and City Council on a project-by-project basis. There were no projects during the 2011 calendar year.
3.1.4 New	The City will encourage and facilitate residential and mixed-use development on vacant and underdeveloped sites listed in Appendix H4 by providing technical assistance to interested developers with site identification and entitlement processing. The City will support developers funding applications from other agencies and programs. The City will post the Sites Analysis and Inventory on the City's webpage and marketing materials for residential and mixed-use opportunity sites, and will equally encourage and market the sites for both for-sale development and rental development. To encourage the development of affordable housing within residential and mixed-use developments, the City shall educate developers of the benefits of density bonuses and related incentives identify potential funding opportunities, offer expedited entitlement processing, and offer fee waivers and/or deferrals.	On-going The City will: <ol style="list-style-type: none"> 1. Post a user-friendly Sites Analysis and Inventory on the City's website. 2. Include information and the sites in a brochure. 3. Add a layer or note in the City's Geographic Information System (GIS) to identify sites within the inventory to assist staff in providing information to interested developers. The City will encourage density bonus and offer incentives to interested developers.
3.1.5 New	The City will monitor and evaluate the development of vacant and underdeveloped parcels on an annual basis and report the success of strategies to encourage residential development in its Annual Progress Reports required pursuant to Government Code 65400.. If identified strategies are not successful in generating development interest, the City will respond to market conditions and will revise or add additional incentives.	On-going A report of staff's findings will be provided within the annual Housing Element Report, beginning with the 2012 calendar year.

PROGRAM	GOAL	STATUS
3.2.1 New	When requested by property owners, the City shall approve rezoning of developed or vacant property from nonresidential to residential uses when appropriate. These rezoned properties shall be added to the list of sites for residential development.	Ongoing The City considers rezoning of property to residential uses on a case-by-case basis to ensure compatibility with existing uses in the surrounding neighborhood. When appropriate, the City will rezone property to a residential use and add the sites to the Sites Analysis and Inventory.
3.2.2 New	Recognizing that General Plan Policy LU6.15.6 may result in a potential constraint to the development of affordable housing in the Airport Area, the City shall amend the General Plan and/or establish a waiver or exception to the minimum 10-acre site requirement. It is recognized that allowing a smaller scale development within an established commercial and industrial area may result in land use compatibility problems and result in a residential development that does not provide sufficient amenities (i.e. parks) and/or necessary improvements (i.e. pedestrian walkways). Therefore, it is imperative that the proposed waiver include provisions for adequate amenities, design considerations for the future integration into a larger residential village, and a requirement to ensure collaboration with future developers in the area.	Complete Planned Community Amendments to Newport Place (PC 11) and Koll Center (PC 15) to add a waiver process will be considered by the Planning Commission and City Council in Spring 2012.

PROGRAM	GOAL	STATUS
3.2.3	<p>The City shall amend the Newport Place (PC 11) and Koll Center (PC 15) Planned Community texts to allow residential developments that include: 1) a minimum of 30 percent of the units affordable to lower-income households; and 2) densities between 30 du/acre and 50 du/acre consistent with the MU-H2 General Plan land use designation and policies for the Airport Area. It is recognized that adding residential as a permitted use where it was not allowed previously might require additional design attention to integrate uses. Therefore, the Planned Community Amendments will add residential uses as permitted by right subject to a site plan review to ensure integration within the existing area.</p> <p>The City will monitor commercial redevelopment within the Airport Area to ensure sufficient residential capacity remains to accommodate the City's RHNA for lower-income households. Should residential capacity be reduced to a level that cannot accommodate the City's remaining need for lower-income households citywide, the City will identify and zone, if necessary, sufficient sites in an alternative location to accommodate the City's RHNA.</p>	<p>On-going</p> <p>Planned Community Amendments to Newport Place (PC 11) and Koll Center (PC 15) to add residential as a permitted use will be considered by the Planning Commission and City Council in Spring 2012.</p>
4.1.1 <i>updated</i>	<p>Annually contact owners of affordable units for those developments listed in Table H12 as part of the City's annual monitoring of affordable housing agreements to obtain information regarding their plans for continuing affordability on their properties and to encourage the extension of the affordability agreements for the developments listed in Table H12 beyond the years noted.</p>	<p>On-going</p> <p>Staff maintains an updated contact list for affordable units in conjunction with the 2008-2014 Housing Element. LDM Associates (consultant) works with staff to include this in the annual monitoring.</p>

PROGRAM	GOAL	STATUS
4.1.2 <i>updated</i>	The City shall register as a Qualified Preservation Entity with HCD to ensure that the City will receive notices from all owners intending to opt out of their Section 8 contracts and/or prepay their HUD insured mortgages. Upon receiving notice that a property owner of an existing affordable housing development intends to convert the units to a market-rate development, the City shall consult with the property owners and potential preservation organizations regarding the potential use of CDBG funds and/or Affordable Housing Fund monies to maintain affordable housing opportunities in those developments listed in Table H12 or assist in the non-profit acquisition of the units to ensure long-term affordability.	On-going The City prepared forms to submit to HCD by Spring 2012 to register the City of Newport Beach as a Qualified Preservation Entity with HCD.
4.1.3	Continue to maintain information on the City's website and prepare written communication for tenants and other interested parties about Orange County Housing Authority Section 8 opportunities to assist tenants and prospective tenants to acquire additional understanding of housing law and related policy issues.	On-going Pamphlets informing prospective tenants and landlords about the OCHA Section 8 program have been made available in the public lobby and information is posted on the City website.
4.1.4	Investigate availability of federal, state, and local programs (including in-lieu funds) and pursue these programs if found feasible, for the preservation of existing low-income housing, especially for preservation of low-income housing that may increase to market rates during the next ten years. A list of these programs, including sources and funding amounts, will be identified as part of this program and maintained on an on-going basis.	On-going The City attends OCHA meetings and has continued to investigate available programs and evaluate the feasibility of participating in such programs.

PROGRAM	GOAL	STATUS
4.1.5 New	<p>The City shall inform and educate owners of affordable units of the State Preservation Notice Law (Government Code Section 65863.10-13), if applicable. Pursuant to the law, owners of government-assisted projects cannot terminate subsidy contract, prepay a federally-assisted mortgage, or discontinue use restrictions without first providing an exclusive Notice of Opportunity to Submit an Offer to Purchase. Owners proposing to sell or otherwise dispose of a property at any time during the five years prior to the expiration of restrictions must provide this Notice at least 12 months in advance unless such sale or disposition would result in preserving the restrictions. The intent of the law is to give tenants sufficient time to understand and prepare for potential rent increases, as well as to provide local governments and potential preservation buyers with an opportunity to develop a plan to preserve the property. This plan typically consists of convincing the owner to either (a) retain the rental restrictions in exchange for additional financial incentives or (b) sell to a preservation buyer at fair market value.</p>	<p>On-going</p> <p>Staff opened discussion with LDM in December 2011 to discuss creating a notice to go out with the annual monitoring.</p>

PROGRAM	GOAL	STATUS
4.2.1	Investigate the use of federal funds to provide technical and financial assistance, if necessary, to all eligible homeowners and residential rental property owners to rehabilitate existing dwelling units through low-interest loans or potential loans, or grants to very low-, low- and moderate-income, owner-occupants of residential properties to rehabilitate existing units.	<p>On-going</p> <p>The City investigates available programs and evaluates the feasibility of participating in such programs.</p> <ul style="list-style-type: none"> City Council approved the Utility Connection Grant Program guidelines in order to provide utility hook-up assistance to low- income households in Newport Beach utility undergrounding Assessment Districts. The grant program was allocated \$65,922 in CDBG funds in the 2010-2011 fiscal year. Budget of \$65,922 for Utility Assessment District Grant Program will be carried over from 2010-2011 for 2011-2012 with a goal of 5 owner-occupied housing units.
4.2.2	In accordance with Government Code Section 65863.7, require a relocation impact report as a prerequisite for the closure or conversion of an existing mobile home park.	<p>On-going</p> <p>Consistent with state law, a detailed relocation impact report is a requirement for the permit for proposed closures or conversions. There were no closures or conversions in 2011.</p>
4.2.3	Should need arise, consider using a portion of its Community Development Block Grant funds for establishment and implementation of an emergency home repair program. Energy efficient products shall be required whenever appropriate.	<p>On-going</p> <p>Continuously monitor requests for assistance and Code Enforcement quarterly reports to determine need. No projects in 2011.</p>

PROGRAM	GOAL	STATUS
4.2.4	<p>Participate as a member of the Orange County Housing Authority Advisory Committee and work in cooperation with the Orange County Housing Authority to provide Section 8 Rental Housing Assistance to residents of the community. The City shall, in cooperation with the Housing Authority, recommend and request use of modified fair market rent limits to increase number of housing units within the City that will be eligible to participate in the program. The Newport Beach Planning Department shall prepare and implement a publicity program to educate and encourage landlords within the City to rent their units to Section 8 Certificate holders and to make very low-income households aware of availability of the Section 8 Rental Housing Assistance Program.</p>	<p>On-going</p> <p>Staff attends the quarterly meetings of the OCHA Cities Advisory Committee.</p> <p>Staff continually works in cooperation with the County to provide Section 8 rental housing assistance to residents.</p> <p>A link to the Orange County Housing Authority website has been placed on the City website to provide information on the Section 8 program.</p>
4.2.5 New	<p>Developers that choose to meet the inclusionary housing requirements of Housing Program 2.2.1 through the renovation and conversion of existing off-site units in the City to affordable units shall be required to substantially renovate and improve the livability and aesthetics of the units for the duration of the affordability period and include energy conserving retrofits that will contribute to reduced housing costs for future occupants of the units.</p>	<p>On-going</p> <p>Although this is a new program, no projects were submitted in 2011.</p>
4.2.6 New	<p>Implement and enforce the recently adopted Water Efficient Landscape Ordinance and Landscape and Irrigation Design Standards in compliance with AB 1881 (2006). The ordinance establishes standards for planning, designing, installing, and maintaining and managing water-efficient landscapes in new construction and rehabilitated projects.</p>	<p>On-going</p> <p>Continuously implemented as housing projects are submitted.</p>

PROGRAM	GOAL	STATUS
4.2.7 New	Affordable housing developments that receive City assistance from Community Development Block Grant funds or from the City's Affordable Housing Fund shall be required, to the extent feasible, include installation of energy efficient appliances and devices, and water conserving fixtures that will contribute to reduced housing costs for future occupants of the units.	On-going Although this is a new program, no projects were submitted in 2011.
4.2.8 New	Investigate the feasibility and benefits of using a portion of its Community Development Block Grant funds for the establishment and implementation of an energy conserving home improvements program for lower-income homeowners.	Pending Staff began investigation and anticipates completion in 2012.
4.2.9 New	Establish a process for LEED certified staff members to provide development assistance to project proponents seeking LEED certification, which will in turn increase the LEED points granted to projects.	On-going The City presently has one LEED accredited staff member who will provide technical assistance when requested.
4.2.10 New	To encourage voluntary green building action, the City will institute a green recognition program that may include public recognition of LEED certified buildings, payment of a display advertisement in the local newspaper recognizing the achievements of a project, or developing a City plaque that will be granted to exceptional developments.	On-going The City presently has one LEED accredited staff member who will provide technical assistance when requested. The City will work on developing a recognition program in 2012.

PROGRAM	GOAL	STATUS
5.1.1	Apply for United States Department of Urban Development Community Development Block Grant funds and allocate a portion of such funds to sub-recipients who provide shelter and other services for the homeless.	<p>On-going</p> <p>Through the approved Action Plans for Fiscal year 2011-2012, the City provided funding to the following organizations to preserve the supply of emergency and transitional housing: Human Options, Families Forward, Serving People In Need (SPIN), Share Our Selves (SOS) and Fair Housing Foundation.</p> <p>The following organization has been funded to assist homeless battered women and children: Human Options.</p>
5.1.2	Cooperate with the Orange County Housing Authority to pursue establishment of a Senior/Disabled or Limited Income Repair Loan and Grant Program to underwrite all or part of the cost of necessary housing modifications and repairs. Cooperation with the Orange County Housing Authority will include continuing City of Newport Beach participation in the Orange County Continuum of Care and continuing to provide CDBG funding.	<p>On-going</p> <p>The City refers low income residents to Orange County for rehabilitation of mobile homes, to Neighborhood Housing for first time buyer programs, and to Rebuilding Together for handyman service for low income and senior households.</p>
5.1.3	Permit, where appropriate, development of "granny" units in single-family areas of the City.	<p>On-going</p> <p>Two permits were issued in 2011.</p>

PROGRAM	GOAL	STATUS
5.1.4	Work with the City of Santa Ana to provide recommendations for the allocation of HUD Housing Opportunities for Persons with AIDS (HOPWA) funds within Orange County.	<p>On-going</p> <p>The City attended the annual HOPWA Strategy meeting and participated in providing recommendations for the allocations of HOPWA funds.</p>
5.1.5	Maintain a list of "Public and Private Resources Available for Housing and Community Development Activities."	<p>On-going</p> <p>City maintains a list of resources that are available for housing and community development activities. A list of resources and links are provided on the City's website.</p>
5.1.6 New	Encourage the development of day care centers and community parks as a component of new affordable housing constructed as part of the requirements of the City's Inclusionary Housing Ordinance.	<p>On-going</p> <p>New policy which will be implemented continuously as housing projects are submitted to the City.</p>
5.1.7 New	Amend the Zoning Code to include a definition of Single Room Occupancy (SRO) Residential Hotels and add provisions that would permit SROs within the commercial and office zoning districts with the approval of a use permit. No standard set of conditions or use restrictions on SROs shall be established; instead, each application should be evaluated individually and approved based upon its own merits and circumstances.	<p>Pending</p> <p>This definition of SRO and related provisions will be included in the Zoning Code amendment anticipated to be completed by Spring 2012.</p>

PROGRAM	GOAL	STATUS
6.1.1	Contract with an appropriate fair housing service agency for the provision of fair housing services for Newport Beach residents. The City will also work with the fair housing service agency to assist with the periodic update of the Analysis of Impediments to Fair Housing document required by HUD. The City will continue to provide pamphlets containing information related to fair housing at the Planning Division counter.	<p>On-going</p> <p>The City contracted with the OC Fair Housing Council to provide these services in 2010-11 and changed contract to the Fair Housing Foundation for 2011-2012. The Fair Housing Foundation provided training seminars on fair housing law for tenants and landlords in November and December of 2011 at the Oasis Senior Center.</p> <p>The updated Analysis of Impediments to Fair Housing was completed in June 2011.</p> <p>Pamphlets containing information on Fair Housing and Dispute Resolution Services are available at the public counter.</p>
7.1.1	As part of its annual General Plan Review, the City shall report on the status of all housing programs. The portion of the Annual Report discussing Housing Programs is to be distributed to the California Department of Housing and Community Development in accordance with California State Law.	<p>On-going</p> <p>This annual Housing Element Report will be submitted to HCD.</p>